

DETAILED ACTION

1. This office action is in response to a communication filed on 01/15/2008. Claims 1-19 and 21-34 are pending. Claim 20 is canceled.

Response to Arguments

2. Applicant's arguments with respect to claims 1-19 and 21-34 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-19 and 21-22 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In dependent claim 1 is amended with a claim limitation which reads “*wherein the action of pivoting the display screen from the generally parallel relationship with the device body into the position generally orthogonal to the device body switches the communication device from the first mode of operation into second mode of operation*”.

Paragraph [0009] of the specification states “a communication device body adapted for a first mode of operation, a display screen disposed in generally-parallel relationship with the device body in the first mode of operation, and a pivoting means disposed between the display

screen and the device body for permitting the display screen to pivot into a position generally orthogonal to the device body for the second mode of operation”.

In above paragraph of the specification or any where in the specification, there is no support for the amended claim limitation, which states the action of “pivoting....*switches the communication device* from the first mode of operation into a second mode of operation”. Hence proper correction is needed.

Independent claim 14 is amended with a claim limitation which reads “rotating a pivotal upper portion of the communication device *to end the first mode and begin the second mode....and* rotating the pivotal upper portion *to begin the first mode and to end the second mode*”.

Paragraph [0010] of the specification states “In another aspect, the present invention relates to a method of operating a communication device in both first and second modes of operation. The method comprises the steps of rotating a pivotal upper portion into a second position for a second mode actuating specific keys for receiving user input, and rotating the pivotal upper portion into a first position for a first mode to end the second mode”.

Fig. 6 shows end the application of the second mode at step 612, then at step 614, the pivotal upper portion is rotated into a first mode.

Neither the above paragraph nor the figure (Fig. 6) discloses “*to begin* the first mode”, “*to end the first mode*” and “*to begin* the second mode” as claimed in the amended limitation of claim 14. Hence proper correction is needed.

Claims 2-13, 15-19 and 21-22 are rejected because they depend on their respective independent claims 1 and 14.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1, 10-11, 13-19, 21, 23-25 and 29-31 rejected under 35 U.S.C. 102(e) as being anticipated Lundy (USPN 7099702).

Regarding claim 1, Lundy (USPN 70997020 teaches a communication device (*col. 2, lines 62, a portable phone (10)*) comprising: a communication device body adapted for a first mode of operation (*Fig. 1, conventional layout, col. 2, lines 62-67, col. 3, lines 49-51*); a display screen disposed in a generally parallel relationship with the device body in said first mode of operation (*Fig. 1 (14), col. 2, lines 62-66, as shown in Fig. 1, a display screen 14 is parallel to a housing 12 of the portable phone 10*); and pivoting means disposed between said display screen and said device body for permitting said display screen to pivot into a position generally orthogonal to said device body for a second mode of operation (*Fig. 2 (14), col. 1, lines 64-67, col. 3, line 25-55, as shown in Fig. 2, the display screen 14 is rotated with respect to the housing 12 such that the display screen is adapted to pivot 90 degrees*), wherein the action of pivoting the display screen from the generally parallel relationship (*Fig. 1 (14)*) with the device body into the position generally orthogonal (*Fig. 2 (14)*) to the device body switches the communication device from the first mode of operation into second mode of operation (*col. 1,*

lines 64-67, col. 2, lines 1-6, col. 2, lines 32-37, col. 3, lines 14-18, a portable phone having a conventional arrangement including a display screen 14 as shown in Fig. 1 is transformed into Fig. 2 in which the display screen (14) is rotated 90 degrees and positioned above and centered between a navigational key(16) and keypad (18) such that the navigational keys (16) and keypads (18) in Fig. 2 are positioned for gaming application, and the keypad (18) in Fig. 1 on the other hand is used for phoning purpose).

Regarding claim 14, Lundy teaches a method of operating a communication device in a first mode and a second mode (*col. 1, lines 64-67, col. 2, lines 1-6, col. 2, lines 62-66, a portable phone (10) in a conventional layout as shown in Fig. 1, and a portable phone (10) in which display screen 14 is rotated 90 degree with respect to the housing 12 as shown in Fig. 2*) the method comprising the steps of: rotating a pivotal upper portion of the communication device to end the first mode and begin the second mode (*col. 1, lines 64-67, col. 2, lines 1-6, , Fig. 1 (14), Fig. 2 (14) note from Fig. 1 the display screen 14 is upper part of the portable phone 10, and the display screen 14 is rotated 90 degree with respect to the housing 12 as shown in Fig. 2, in Fig. 1, a keypad (18) is used for phoning purpose and in Fig. 2, the keypad 18 is used for gaming application; that means that until the display screen(14) is rotated and ended where it is positioned in Fig. 2, the keypad 18 is used conventionally for phoning purpose. On the other hand when the display screen is position as shown in Fig. 2, the keypad 18 can be used for gaming application); actuating specific keys of the communication device for receiving user input (*col. 3, lines 14-15, Fig. 1 (18), the keypad is commonly used on portable phones*); and rotating the pivotal upper portion to begin the first mode and to end the second mode (*col. 1,**

lines 64-67, col. 2, lines 1-6, col. 3, lines 25-29, note in Fig. 2, the keypad 18 is used for gaming application, and the position of the display 14 is to the side of the navigational key (16) and the keypad (18), note that as long as the display 14 in Fig. 2 is configured to the side of keys (16, 18) as shown in Fig. 2, the keypad 18 is used for gaming application. On the other hand, when the display 14 is rotated or moved out from a configuration of Fig. 2, the keypad 18 for gaming application ends, and instead the keypad (18) begins to be used for conventional operation).

Regarding claim 23, Lundy teaches a communication device (*col. 2, lines 62, a portable phone (10)*) comprising: a communication device body in a first position adapted for a first mode of operation (*Fig. 1, conventional layout, col. 2, lines 62-67, col. 3, lines 49-51*); a display screen disposed in a generally parallel relationship with the device body in said first mode of operation (*Fig. 1 (14), col. 2, lines 62-66, as shown in Fig. 1, a display screen 14 is parallel to a housing 12 of the portable phone 10*); pivoting means disposed between said display screen and said device body for permitting said display screen to pivot into a second position for a second mode of operation (*Fig. 2 (14), col. 1, lines 64-67, col. 3, line 25-55, as shown in Fig. 2, the display screen 14 is rotated with respect to the housing 12 such that the display screen is adapted to pivot 90 degrees*); wherein in the first mode of operation, keys of the communication device are located on one side of the display screen and in the second mode of operation, keys of the communication device are located on at least two sides of the display screen (*col. 1, lines 64-67, col. 2, lines 1-6, col. 3, lines 26-29, note in Fig. 2, the keypad 18 is used for gaming application, and the position of the display 14 is to the side of the navigational key (16) and the*

keypad (18), in Fig. 1, on the other hand, a keypad (18) is used for phoning purpose and the keys (16, 18) as shown in the Fig. 1 are on the lower side of the display 14); and wherein the act of moving the display screen between the first and the second positions switches between corresponding first and second modes of operation (col. 1, lines 64-67, col. 2, lines 1-6, col. 2, lines 32-37, col. 3, lines 14-18, a portable phone having a conventional arrangement including a display screen 14 as shown in Fig. 1 is transformed into Fig. 2 in which the display screen (14) is rotated 90 degrees and positioned above and centered between a navigational key(16) and keypad (18) such that the navigational keys (16) and keypads (18) in Fig. 2 are positioned for gaming application, and the keypad (18) in Fig. 1 on the other hand is used for phoning purpose).

Regarding claim 29, Lundy teaches a communication device (*col. 2, lines 62, a portable phone (10)*) comprising: a communication device body in a first position adapted for a first mode of operation (*Fig. 1, conventional layout, col. 2, lines 62-67, col. 3, lines 49-51*); a display screen disposed in a generally parallel relationship with the device body in said first mode of operation (*Fig. 1 (14), col. 2, lines 62-66, as shown in Fig. 1, a display screen 14 is parallel to a housing 12 of the portable phone 10*); pivoting means disposed between said display screen and said device body for permitting said display screen to pivot into a second position for a second mode of operation (*Fig. 2 (14), col. 1, lines 64-67, col. 3, line 25-55, as shown in Fig. 2, the display screen 14 is rotated with respect to the housing 12 such that the display screen is adapted to pivot 90 degrees*); wherein in the first mode of operation, the communication device is operable by one hand of a user and in the second mode of operation, the communication

device is operable by two hands of a user (*col. 2, lines 3-6, col. 3, lines 45-49, as shown in Fig. 1 is a typical portable phone which can be operated in one hand, note that keypad (18) and navigational key (16) shown in Fig. 2 may be extendable such that either or both the navigational key 16 and the keypad 18 may be extendable from the phone housing 12 to provide a greater distance between the two and to facilitate better two-hand operation.*); and wherein the act of moving the display screen between the first and second positions switches between corresponding modes of operation (*col. 1, lines 64-67, col. 2, lines 1-6, col. 2, lines 32-37, col. 3, lines 14-18, a portable phone having a conventional arrangement including a display screen 14 as shown in Fig. 1 is transformed into Fig. 2 in which the display screen (14) is rotated 90 degrees and positioned above and centered between a navigational key(16) and keypad (18) such that the navigational keys (16) and keypads (18) in Fig. 2 are positioned for gaming application, and the keypad (18) in Fig. 1 on the other hand is used for phoning purpose.*).

Regarding claim 10, Lundy teaches a key array, the key array including a plurality of keys (*Fig. 1(18), keypad (18)*).

Regarding claim 11, Lundy teaches at least one of the plurality of keys is actuated during the second mode of operation (*in Fig. 2, the keypad 18 is used for gaming application*).

Regarding claim 13, Lundy teaches the pivoting means is oriented as a protrusion for sliding in a track (*col. 3, lines 33-37, col. 3, lines 64-66, pivot about a pivot point and a circular slide switch*).

Regarding claim 15-17, 24 and 30, Lundy teaches the first mode of operation is telecommunication (*Fig. 1 is a portable phone*) and the method further comprises the steps of: determining whether the communication device is receiving an incoming call; and alerting a user of the incoming call (*col. 2, lines 62-66, receiving an incoming call, alerting via audio, pausing and unpause with respect to calls are all inherent features in a portable phone*).

Regarding claim 18, Lundy teaches the step of answering the incoming call by rotating the pivotal upper portion to begin the first mode (*col. 1, lines 64-67, col. 2, lines 1-6, col. 2, lines 32-37, col. 3, lines 14-18, note that when the display 14 is rotated or moved out from a configuration of Fig. 2, the keypad 18 for gaming application ends, and instead the keypad (18) begins to be used for conventional operation, which is a portable phone shown in Fig. 1*).

Regarding claims 19, 21, 25 and 31, Lundy teaches the step of actuating specific keys comprises the steps of: actuating a gaming pad; and actuating at least one key in a key array (*col. 1, lines 64-67, col. 2, lines 1-6, col. 3, lines 26-29, note in Fig. 2, the keypad 18 is used for gaming, and the display screen 14 is positioned to the side of the navigational key 16 and keypad 18 as shown in Fig. 2 (16, 18)*).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 2-9, 12, 22, 26-28 and 32-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lundy (USPN 7099702).

Regarding claims 2, 27 and 33, Lundy teaches as shown in fig. 2, a display screen 14 is rotated 90 degrees and positioned above centered between the navigation key (16) and the keypad (18) such that the keypad and or navigational key may be extendable from a housing 12 to allow ideal positioning of navigational key (16) and keypad 18 for gaming application (col. 1, lines 64-67, col. 2, lines 1-6, fig. 2 (12, 14, 16, 18). Lundy also teaches that the navigational key 16 can be four-position (up, down left right) (col. 2, lines 66-67, col. 3, lines 1-24). Note that the display screen (12) on fig. 2 is mounted on the housing (col. 3, lines 33-37) such that as shown on fig. 2, the display 14 is pivotally movable under the housing 12.

Lundy does not specifically teach “said device further comprises a gaming pad disposed on the communication device body and beneath the display screen

It would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the four-position navigational key (16) for gaming application in a desired

fashion (as suggested by Lundy), and to alternately pivot Lundy's display screen (14) shown in Fig. 2 over the housing (12) (instead of under the housing (12)), since it has been held to be within the general skill of worker in the art to shift location of parts as a matter of obvious engineering choice (In re Japikse, 86 USPQ 70 (CCPA 1950).

Regarding claims 3-4, 28, and 34, Lundy teaches the gaming pad is hidden when the communication device is in the first mode of operation and the gaming pad is visible when the communication device is in the second mode of operation (*col. 2, lines 66-67, col. 3, lines 1-24, col. 3, lines 33-37, a display screen 14 as modified above and utilized with respect to Fig. 1, and Fig. 2*).

Regarding claim 5, Lundy teaches the gaming pad comprises directional arrows (*Fig. 2 (16, 18), col. 2, lines 66-67, col. 3, lines 1-23, col. 3, lines 60-67*).

Regarding claim 6, Lundy teaches the gaming pad comprises a plurality of buttons (*fig. 2 (16, 18), col. 3, lines 14-24, col. 3, and lines 60-67*).

Regarding claims 7-8 and 12, Lundy teaches at least one of the plurality of buttons is a pause button, and the gaming pad comprises a joystick (*col. 3, lines 14-24, col. 3, lines 6-67. It would have been obvious to utilize Lundy's navigational key, which could be multiple keys with additional positions (col. 3, lines 10-14) as well as a keypad 18 for various functionalities*).

Regarding claim 9, Lundy teaches the pivoting means comprises a hinge (*Fig. 3 (20), pivot (20) col. 3, lines 33-37), a conventional pivot arrangement. One of ordinary skill in the art would have ascertained that using a hinge for pivoting purpose is well known*)

Regarding claims 22, 26 and 32 Lundy teaches wherein the second mode is a messaging mode (*col. 2, lines 23-34, navigational key, and keypad to allow for improved ergonomics for gaming and other applications, one of ordinary skill in the art would have ascertained a game could be messaged-based or messaging could be within other applications*).

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ABBAS I. ABDULSELAM whose telephone number is (571)272-7685. The examiner can normally be reached on Monday through Friday from 9:00 A.M. to 5:30P.M. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe, can be reached on 571-272-7691. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Abbas I Abdulselam/

Primary Examiner, Art Unit 2629

April 13, 2008